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प्राधिकार से प्रकाशित
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सं. 4] नई दिल्ली, जनवरी 28—फरवरी 3, 2024, शनिवार/माघ 8—माघ 14, 1945
No. 4] NEW DELHI, JANUARY 28—FEBRUARY 3, 2024, SATURDAY/MAGHA 8—MEGHA 14, 1945

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विदेश मन्त्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 29 जनवरी, 2024

का.आ. 140.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार भारत के उच्चायोग लुसाका में नवरत्न प्रधान, सहायक अनुभाग अधिकारी को दिनांक 29 जनवरी, 2024 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी.4330/1/2024(05)]

एस. आर. एच. फहमी, निदेशक (सीपीवी-1)

MINISTRY OF EXTERNAL AFFAIRS**(CPV Division)**

New Delhi, the 29th January, 2024

S.O. 140 .— Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Nabaratna Pradhan, Assistant Section Officer as Assistant Consular Officer in the High Commission of India, Lusaka to perform the consular services as Assistant Consular Officer with effect from January 29, 2024.

[F. No. T.4330/01/2024(05)]

S.R.H. FAHMI, Director (CPV-I)

विद्युत मंत्रालय

नई दिल्ली, 15 नवम्बर, 2023

का.आ. 141.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड के निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

1. पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड,
उत्तरी क्षेत्र-I, 400/220 के.वी. उपकेंद्र,
शिमला बाईपास रोड, देहरादून, पोस्ट ऑफिस – शेरपुर,
(248197) उत्तराखंड
2. पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड
400/220 के.वी. नीमराना उपकेंद्र,
शाहजहाँपुर टोल प्लाज़ा के पास,
अलवर (राजस्थान) पिन-301706

[फा. सं. 11011/13/9/2023-हिंदी]

धीरज कुमार श्रीवास्तव, मुख्य अभियंता (ईसी, ईटी एवं ईवी, पीपीएम तथा प्रभारी राजभाषा)

MINISTRY OF POWER

New Delhi, the 15th November, 2023

S.O. 141.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the following offices of Power Grid Corporation of India Limited under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi:

1. Power Grid Corporation of India Limited
Northern Region-I, 400/220 KV Substation,
Shimla Bypass Road, Dehradun,
Post Office- Sherpur,
(248197) Uttarakhand

2 Power Grid Corporation of India Limited
400/220 KV Neemrana Substation,
Adjacent to Shahjahanpur Toll Plaza,
Alwar (Rajasthan) Pin-301706

[F. No. 11011/13/9/2023-Hindi]

DHIRAJ KUMAR SRIVASTAVA, Chief Engineer (EC, ET & EV, PPM and In-Charge O.L.)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 6 जून, 2023

का.आ. 142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (94/2011) प्रकाशित करती है।

[सं. एल-41011/66/2011-आई आर (बी-1)]

सलोनी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th June, 2023

S.O. 142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.94/2011) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen.

[No. L-41011/66/2011- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present - Sunil Kumar Singh-I,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Date: 28th March, 2023

Reference (CGITA) No. : 94/2011

1. The Divisional Railway Manager,
Western Railway, Pratap Nagar,
Baroda – 390004
2. The Asstt. Divisional Mechanical Engineer (C & W),
Western Railway, Karchiya Yard,
Baroda

.....First Party / Employer

V

The Divisional Secretary,
Paschim Railway Karamchari Parishad,
Shastri Pole, Kothi,
Vadodara (Gujarat) – 390001
(For the workman Shri Noor Alam Khan)

.....Second Party / Union / Workman

Advocate for the First Party / Employer: Shri Rajesh Singh Thakur

Advocate for the Second Party / Union / Workman: Shri R. S. Sisodiya

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/66/2011-IR(B-I) dated 09.12.2011 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad in respect of the matter specified in the Schedule.

SCHEDULE

“Whether the demand of the Union, Paschim Railway Karamchari Parishad, Vadodara, for not to get vacated the Railway Quarter No. 694/H from Shri Noor Alam Khan who was dismissed from service w.e.f. 07/03/2006, payment of settlement dues with 12% interest from 2006, payment of family pension with arrears from 2006, cancellation of recovery of Rs. 184644/- for damage rent of the quarter, recovering Railway quarter rent at normal rates and the workman be given compulsory retirement, is legal and justified? To what relief the workman / union is entitled?”

1. The second party / workman's union submitted the statement of claim at Ex. 8, stating therein that the workman Shri Noor Alam Khan was serving as Khalasi-cum-Helper with the first party / employer. He has completed 20 years of continuous service with 240 days in every calendar year. His entire service was blotless and he was not served any notice or memo from the first party / employer. During the vacation in the month of May, the workman was at his village / home town. Scuffle took place between the two groups. The workman tried to calm situation. On account of said scuffle, one person died. The name of the workman was also given in the criminal complaint. He got bail in the said criminal complaint and reported for duty. He was convicted u/s 302 IPC by Additional Sessions Court, Etah which has led his dismissal. Division Bench of Hon'ble High Court of Allahabad, vide order dated 21.07.2006 suspended the sentence imposed by Sessions Court. The second party / workman has been illegally and arbitrarily terminated by the first party / employer on 07.03.2006 without waiting for the outcome of the criminal appeal. He continued to occupy the government quarter after his termination due to unemployment and financial crisis. Recovery of Rs. 184644/- was initiated by the first party / employer for unauthorised occupation of said government quarter. There is master servant relationship between the parties. The workman prays to treat his case as compulsory retirement. He has further prayed for the payment of all pensionary benefits with 12 % interest and to set aside the order of said recovery of Rs. 184644/-.

2. The first party / employer has submitted its written statement at Ex. 10 stating therein that the second party / workman worked as Khalasi Helper in railway service w.e.f. 31.08.1986 for 19 years, 06 months and 23 days and was terminated on 07.03.2006. Out of this total service, after deducting non-qualifying service of 05 years, 01 month and 07 days, his qualifying service is 14.5 years. He is therefore, not entitled for retiral and pensionary benefits. The second party / workman had never intimated about the said criminal case. On receipt of intimation of judgement dated 24.01.2004 of conviction passed by the Hon'ble Sessions Court / Fast Track Court No. – 5, Etah (UP) in Session Trial No. 247/2001 (correct S. T. No. is 697/2001 as per Ex. 9 / M-9/3), he was dismissed from service as per provisions of DAR Rules vide NIP dated 07.03.2006 after issuing show-cause notice to him. All admissible dues have been paid to him. The second party / workman has no legal right to occupy the railway quarter after his dismissal. He had illegally occupied the railway quarter from 23.03.2006 to 22.03.2011, therefore, damage / rent was required to be recovered as per existing rules. The workman is not entitled for the claimed relief.

3. The second party / union / workman has filed documentary evidence detailed as under:

Sl. No.	Name / Details of the document	Date of Document	Serialim of Document	Type / Remarks
1	Charter of demand raised by the union before Assistant Labour Commissioner (Central), Vadodara	13.10.2010	Ex. 9 / M-9/1	Xerox
2	Office Memorandum No. E/BJW/5278 issued by DRM (E) BRC, Divisional Office, Baroda	17.06.2009	Ex. 9 / M-9/2	Xerox

3	Letter written by DRM (E) BRC, Divisional Office, Vadodara to Shri Noor Alam Khan N.	29.03.2010	Ex. 9 / M-9/3	Xerox
4	Letter written by DRM (E) BRC, Divisional Office, Baroda to Shri Noor Alam Khan N.	16.09.2010	Ex. 9 / M-9/4	Xerox
5	Application written by Shri Noor Alam Khan N. To The Additional Divisional Railway Manager, Western Railway, Pratapnagar, Vadodara	02.08.2010	Ex. 9 / M-9/5	Xerox
6	Order of dismissal from service of Shri Noor Alam Khan N. by the Railway	07.03.2006	Ex. 9 / M-9/6/1	Xerox
7	Letter written by AA & Sr. DME-BRC to Shri Noor Alam Khan N.	16.05.2007	Ex. 9 / M-9/6/2	Xerox
8	Application / representation from Shri Noor Alam Khan N. to The Assistant Divisional Railway Manager, Western Railway, Pratapnagar, Baroda	10.05.2008	Ex. 9 / M-9/7	Xerox
9	Application / representation from Shri Noor Alam Khan N. to Union of India through The General Manager, Western Railway, Church Gate, Mumbai and The Divisional Railway Manager, Western Railway, Pratapnagar, Vadodara	10.01.2011	Ex. 9 / M-9/8	Xerox
10	Order passed by Hon'ble High Court of Judicature at Allahabad in Criminal Appeal No. 543/2004	21.07.2006	Ex. 9 / M-9/9	Xerox
11	Letter written by Dy. Director / MSR (N) Sectt., Ministry of Railways, Railway Board, New Delhi to Shri Noor Alam Khan	16.05.2006	Ex. 12 / M-12/1	Xerox
12	Order passed by CGIT, Ahmedabad in Complaint No. 04/2006	17.03.2006	Ex. 12 / M-12/2	Xerox
13	Letter written by Shri Noor Alam Khan N. to DRM (E) BRC	12.04.2010	Ex. 12 / M-12/3	Xerox
14	Letter written by Minister of State for Railways, Government of India, New Delhi to Divisional Railway Manager, Vadodara Division (WR), Pratapnagar, Vadodara	18.06.2008	Ex. 12 / M-12/5	Xerox
15	Complaint No. 04/2006 filed by Shri Noor Alam Khan before CGIT, Ahmedabad along with application for interim relief	17.03.2006	Ex. 16 / M-16/1 & M-16/2	Xerox
16	Representation from Shri Noor Alam Khan N. to The Asst. D.M.E. (C&W), Western Railway, Bajwa, Vadodara	01.02.2006	Ex. 16 / M-16/3	Xerox
17	Office Memorandum issued by Asstt. Divisional Mech. Engineer, Bajwa, Western Railway addressed to Shri Noor Alam Khan	17.01.2006	Ex. 16 / M-16/4	Xerox
18	Notice issued by the Secretary, CGIT-cum-Labour Court, Ahmedabad in Complaint (CGITA) No. 04/2006 to all parties for hearing on 24.04.2006	Not mentioned	Ex. 16 / M-16/5	Xerox
19	Page No. 566 of Railway Establishment Rules	Not mentioned	Not mentioned	Xerox
20	Page No. 711 & 715 of Discipline and Appeal Rules	Not mentioned	Not mentioned	Xerox
21	Page No. 722 of Railway Establishment Rules	Not mentioned	Not mentioned	Xerox
22	Letter written by Assistant Labour Commissioner (C), H. Q. to Dy. CLC (C), Ahmedabad	31.05.2021	Not mentioned	Xerox
23	Letter written by Divisional Secretary, Western Railway Mazdoor Sangh (NFIR), Vadodara to Sr. DPO – BRC	10.01.2011	Not mentioned	Xerox
24	Schedule of reference having order No. L-41011/66/2011-IR (B-I)	09.12.2011	Not mentioned	Xerox

25	Written statement filed by the Western Railway, Vadodara in Reference (CGITA) No. 94/2011	09.10.2012	Not mentioned	Xerox
26	Show-cause notice from Divisional Engineer (Estate), Western Railway, Pratapnagar, Vadodara to Shri Noor Alam Khan	22.06.2010	Not mentioned	Xerox
27	PPO No. WR/51202/241913 issued by FA & CAO (CCG), Western Railway, Mumbai to The Manager, Bank of Baroda, Service Branch, Mumbai on the subject 'Disbursement of pension through Public Sector Bank', marked to Shri Noor Alam Khan N. along with particulars of pensioner Shri Noor Alam Khan	16.06.2011	Not mentioned	Xerox
28	Office Memo having service particulars of Shri Noor Alam Khan N.	03.12.2006	Not mentioned	Xerox
29	Service Record of Shri Noor Alam Khan	Illegible	Not mentioned	Xerox
30	Application / representation from Shri Noor Alam Khan N. to The Assistant Divisional Railway Manager, Western Railway, Pratapnagar, Baroda and The General Manager, Western Railway, Churchgate, Bombay	10.05.2008	Not mentioned	Xerox

Apart from above documents, the workman has filed some documents in duplication, which have not been mentioned to avoid repetition.

4. The second party / workman has deposed himself at Ex. 11 in his oral evidence.

5. The first party / employer has filed documentary evidence detailed as under:

Sl. No.	Name / Details of the document	Date of Document	Serial of Document	Type / Remarks
1	Show-cause notice issued by Divisional Engineer (Estate), Western Railway, Pratapnagar, Vadodara to Shri Noor Alam Khan	09.04.2008	Ex. 15 / M-15/1	Xerox
2	Eviction Order issued from DEN (Estate), BRC, Divisional Rail Manager Office, Pratapnagar, Vadodara to Shri Noor Alam Khan N.	13.06.2008	Ex. 15 / M-15/2	Xerox
3	Notice for eviction of Quarter issued from Senior Section Engineer (C&W), W.R., Bajwa to Shri Noor Alam Khan N.	02.10.2010	Ex. 15 / M-15/3	Xerox
4	Notice for eviction of Quarter issued from Senior Section Engineer (C&W), W.R., Bajwa to Shri Noor Alam Khan N.	20.10.2010	Ex. 15 / M-15/4	Xerox
5	Notice for eviction of Quarter issued from Senior Section Engineer (C&W), W.R., Bajwa to Shri Noor Alam Khan N.	21.10.2010	Ex. 15 / M-15/5	Xerox
6	Notice for eviction of Quarter issued from Senior Section Engineer (C&W), W.R., Bajwa to Shri Noor Alam Khan N.	20.03.2011	Ex. 15 / M-15/6	Xerox
7	Order of eviction of Quarter from Shri Noor Alam Khan N.	22.03.2011	Ex. 15 / M-15/7	Xerox

6. The first party / employer has examined Shri Bimlesh Chandra, Assistant Divisional Mechanical Engineer at Ex. 14 in oral evidence.

7. I have perused the records and heard Ld. Counsel for first party / employer Shri Rajesh Singh Thakur and Representative / Counsel of second party / workman's union Shri R. S. Sisodiya in addition to his written arguments at Ex. 18.

8. The main points for consideration in this case are as under.

- Whether the demand of the workman's union, not to get vacated the Railway Quarter No. 694/H from Shri Noor Alam Khan, who was dismissed from service w.e.f. 07/03/2006, is valid?

- ii. Whether the payment of settlement dues of the workman, with 12% interest from the year 2006 along with pensionary benefits from the year 2006 is valid?
 - iii. Whether the demand of the union for the cancellation of recovery of Rs. 184644/- for damages and rent of the said quarter is valid?
 - iv. Whether the demand of the workman's union in respect of the recovery of the rent from the workman Shri Noor Alam Khan at normal rates is valid?
 - v. Whether the demand of the workman's union for workman's compulsory retirement is legal and justified?
 - vi. To what relief the workman / union is entitled?
9. All the issues no. i to vi above are inter-related, hence, they are being dealt with simultaneously for the sake of convenience.
 10. Shri R. S. Sisodiya, Ld. Counsel / Representative for the second party / workman's union has argued that the workman has been dismissed without conducting any enquiry. It has been further argued that the conviction order dated 24.01.2004 passed against the workman under Section 302 IPC in Session Trial No. 697/2001 by Additional Sessions Court / Fast Track Court No. 5, Etah has been stayed by Hon'ble Allahabad High Court vide its order dated 21.07.2006 passed in Criminal Appeal No. 543/2004. It is further argued that the workman has been released on bail and the conviction order has been suspended by Hon'ble Allahabad High Court and he has still been dismissed on 07.03.2006 without waiting for the final outcome in the said criminal appeal. It has been further argued that the cause of justice will suffice merely by awarding compulsory retirement. Ld. Counsel has emphasized that the employer has passed dismissal order in violation of the principles of natural justice contrary to the rule 14 (1) of Railway Servants (Discipline & Appeals) Rules 1968 which is a corollary of Article 311 (2) of the Indian Constitution.
 11. Ld. Counsel for the first party / employer has argued that there was no need to conduct any enquiry before dismissing the workman on his being convicted on a criminal charge.
 12. It is not disputed that the workman Shri Noor Alam Khan has been dismissed by the employer / Railways on the basis of his conviction under Section 302 IPC in S. T. No. 697/2001, wherein he has been sentenced to life imprisonment by the Additional Sessions Court / Fast Track Court No. 5, Etah (U.P.). It is also not disputed that a Criminal Appeal No. 543/2004 is pending before Hon'ble Allahabad High Court, wherein Hon'ble Court has suspended the execution of sentence passed by the Sessions Court against the workman Shri Noor Alam Khan vide order dated 21.07.2006 till the disposal of appeal. It is also clear that the conviction of the workman u/s 302 IPC has neither been suspended nor stayed by Hon'ble Appellate Court.
 13. Relevant Rule 14 of Railway Servants (Discipline & Appeal) Rules, 1968 reads as under:

“14. Special procedure in certain cases - Notwithstanding anything contained in Rules 9 to 13 –

 - (i) where any penalty is imposed on a Railway servant on the ground of conduct which has led to his conviction on a criminal charge; or
 - (ii) where the disciplinary authority is satisfied, for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or
 - (iii) where the President is satisfied that in the interest of the security of the State, it is not expedient to hold an inquiry in the manner provided in these rules; the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the Railway servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case falling under clause (i) above:

Provided further that the Commission shall be consulted where such consultation is necessary, before any orders are made in any case under this rule.”
 14. Perusal of this Rule 14 (1) shows that it is a corollary of Article 311 (2) of Indian Constitution. This rule is an exception to Rule 9 to 13 of Railway Servants (Discipline & Appeal) Rules, 1968. According to the dismissal order dated 07.03.2006 printed at the back side of paper at Ex. 9 / M-9/6/1, the workman Shri Noor Alam Khan, Khalasi was issued show-cause notice vide E/BJW/S 278 dated 17.01.2006 with a view to afford him an opportunity to submit his representation against the proposed penalty of dismissal from Railway service satisfying the requirement of first proviso to Rule 14 (1) of R. S. (D & A) Rules, 1968. The workman submitted his representation dated 01.02.2006 and admitted his said conviction. After perusal of the workman's

representation, Discipline Authority, ADME-BJW found his conviction and sentence to life imprisonment by the Sessions Court as serious mis-conduct on his part, rendering his further retention in railway service undesirable; hence, the said dismissal order dated 07.03.2006 was passed under Rule 14 (1) of R. S. (D & A) Rules 1968.

15. Article 311 (2) of the Indian Constitution declares that no person, who is a member of the Civil Service of the Union or All - India Service or a Civil Service of a State or holds a civil post under the Union or a State shall be dismissed, removed or reduced in rank except after an enquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges. The second proviso, however, carves out three exceptions to the said rule. The first exception mentioned under Clause (a) is relevant, which reads as under.

“Provided further that this clause shall not apply – (a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge”.

16. Hon'ble Supreme Court in the Deputy Director of Collegiate, Education V S. Nagoor Meera, AIR 1995 SC 1364, while interpreting Article 311 (2) Clause (a), has held that this clause, it is relevant to notice, speaks of “conduct which has led his conviction on a criminal charge”. It does not speak of sentence of punishment awarded. Merely because the sentence is suspended and / or the accused is released on bail, the conviction does not cease to be operative. There can be no question of suspending his conduct. It is therefore, clear that taking proceedings for and passing order of dismissal of the present workman / government servant, who has been convicted by aforesaid Sessions Court, Etah, is not barred merely because the sentence of order is suspended by the Appellate Court or on the ground that the said Government servant – accused has been released on bail. In view of exception contained in Clause (a), no enquiry was needed for such constitutional / statutory dismissal after conviction on a criminal charge. Hon'ble Supreme Court in S. Nagoor Meera (supra) has categorically explained that the more appropriate course in such a case is to take action under Clause (a) of the second proviso to Article 311 (2), once a government servant is convicted of a criminal charge and not to wait for the appeal or revision, as the case may be. If, however, the government servant - accused is acquitted on appeal or other proceedings, the order can always be revised and if the government servant is reinstated, he will be entitled to all the benefits to which he would have been entitled to had he continued in service. Dictum of Hon'ble Supreme Court can equally and easily be applied in the present case in view of the Parallel Provision contained in Rule 14 (1) of the R. S. (D & A) Rules, 1968. The employer, thus, does not seem to have committed any error or illegality in passing the order of dismissal on the basis of the conduct of the workman which has led his conviction. The dismissal order has been passed in accordance with above Railway Rule 14 (1).
17. Ld Counsel for the workman has argued that the employer, later on made payment of 2/3rd of compassionate allowances but not in time. There was a stay order from this Court passed in other Complaint (CGITA) Case No. 04/2006 and also an order of the Hon'ble Minister for State for Railways, not to get the government quarter vacated till the decision of Hon'ble High Court. The employer / Railway has ignored all these superior orders and got the quarter from the workman vacated forcibly and recovery of Rs. 184644/- has been effected. Ld. Counsel has emphasised to set aside recovery orders and to pay back all dues and pensionary benefits with interest.
18. Ld. Counsel for the first party / employer has argued that the workman Shri Noor Alam Khan concealed the fact of his involvement and conviction in the said criminal case. This fact came to the knowledge of the employer only when a letter was received from the relative of the workman. He has further argued that on the representation of the workman, 2/3rd of his pensionary benefits have been sanctioned and only legal dues have only been adjusted out of final disbursement. The payment was delayed due to the conduct of the workman by not vacating quarter for long time.
19. The workman Shri Noor Alam Khan, in his affidavit Ex. 11 submitted in examination-in-chief, has repeated the averment of his statement of claim. In his cross-examination, he stated that in the year 2000, he went on leave to his village where he was made accused in a murder case and was bailed out after 25 days. He stated that he did not inform his department in respect of his involvement, conviction and sentence of imprisonment. He has further stated that he vacated his government quarter in June 2011 after his dismissal on 07.03.2006. He has also stated that he is drawing pension.
20. The order of this Court dated 17.03.2006 passed in Complaint (CGITA) No. 04/2006 filed through Ex. 12 / M-12/2, shows that by this order dated 17.03.2006, the workman was given protection from vacating the quarter till 15.05.2006 only for about two months, whereas the said government quarter got vacated only in June 2011, according to eviction memo dated 22.03.2011 as Ex. 15 / M-15/7. Eviction order cannot be said to have been passed in violation of this Court's order which was passed in some other Complaint (CGITA) Case No. 04/2006 and reported by the office to have been dismissed on 23.06.2016.

21. Demi Official letter dated 18.06.2008 filed as Ex. 12 / M-12/5, which is written on behalf of Hon'ble Minister of State for Railways, seems to have conveyed to the Divisional Railway Manager, Vadodra Division, that he would appreciate if the order of eviction of the quarter is withheld till the final verdict. This letter speaks about the dismissal of the workman on account of his name being falsely included in a criminal case in U.P., whereas the dismissal order dated 07.03.2006 is based on the conviction of the workman under Section 302 IPC, which has been discussed as above in details. However, later on, various eviction orders dated 02.10.2010 (Ex. 15 / M-15/3), 20.10.2010 (Ex. 15 / M-15/4) and 21.10.2010 (Ex. 15 / M-15/5) issued in series by the authorised railway / authorities, cannot be presumed to have been issued in disregard to superior Railway authority. Hence, workman cannot be given any benefit out of said D.O. letter.
22. The employer's witness Shri Bimlesh Chander, Assistant Divisional Mechanical Engineer, has clarified that after the dismissal of Shri Noor Alam Khan and on his representation to ADRM, he has been sanctioned 2/3rd pensionary benefits. Railway had to take his quarter in possession by force, when the workman did not vacate despite various notices. He has further stated that the recovery of all legal dues has been made from the payable amount to the workman. It is traced that the photocopy of PPO No. WR/51202/241913 dated 16.06.2011 annexed with list Ex. 17, is on record, which has been issued on the basis of workman's qualifying service of 14.5 years. It is thus, clear that despite the dismissal of the employee, the employer has adopted a proactive approach and has shown extreme empathy to the workman by sanctioning 2/3rd pension to him. The said recovery of rent / damage has already been effected. The delay in the disbursement of the dues is clearly due to the conduct of the workman occupying the government quarter unauthorisedly after dismissal on 07.03.2006 till the procedure based / forced vacation in June 2011. Hence, he is neither entitled for the said recovered amount nor entitled for any penal interest. The workman has no legal right for getting the dismissal order converted into compulsory retirement. In view of above, the said charter of demands of the workman are not at all justified. The reference is answered in negative against the workman and in favour of the employer.
23. The award is passed accordingly.

Let two copies of the Award be sent to the appropriate Government for the needful and for publication.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 08/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/01/2024 को प्राप्त हुआ था।

[सं. एल. 22012/138/2013-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference.I.D.No.08/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the Management of E.C.L. and their workmen, received by the Central Government on 11/01/2024.

[No. L-22012/138/2013 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 08 OF 2014

PARTIES: Padman Sahu
Vs.
Management of Nimcha Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. S. K. Pandey, Union representative.
For the Management of ECL: Mr. P. K. Goswami, Adv.

INDUSTRY: Coal

STATE: West Bengal.

Dated: 20.12.2023

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/138/2013-IR(CM-II)** dated 09.05.2014 has been pleased to refer the following dispute between the employer, that is the Management of Nimcha Colliery under Satgram Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the Management of Nimcha Colliery to dismiss from service to Sri Padman Sahu, is fair and proper only on ground of absenteeism. If not so what relief Management can provide to him? ”

1. On receiving Order **L-22012/138/2013-IR(CM-II)** dated 09.05.2014 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 08 of 2014** was registered on 23.05.2014/07.07.2014 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Goswami, learned advocate for the management of Eastern Coalfields Limited has appeared along with Mr. Sumit Choudhary, Management witness. The case is fixed up today for appearance of workman and for evidence of management witness. In compliance with order dated 14.07.2023 Notice was issued to the workman under registered post. Postal envelope has not returned unserved as such it is presumed that Notice has been served upon the addressee. On repeated calls at 11.55 am, none appeared for the workman. On a perusal of the record, I find that Mr. S. K. Pandey, General Secretary of Colliery Mazdoor Congress had represented the dismissed workman up to 30.05.2018. Padman Sahu had been cross-examined in full on 06.01.2016 but did not appear thereafter.

3. It appears to me that workman is not inclined to proceed with this case as he did not appear after service of Notice. Management witness is yet to be examined but Mr. Sumit Choudhary, management witness is discharged without examination due to long absence of the workman. Under such circumstance, the Industrial Dispute referred to this Tribunal is dismissed and a **No Dispute Award** is passed.

Hence,

ORDERED

that a **No Dispute Award** be drawn up in respect of the above referred case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 28/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल. 22012/201/2004-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 18th January, 2024

S.O. 144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.28/2005**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/201/2004 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 28 OF 2005

PARTIES: Sunil Bouri
(Represented by his legal heirs Smt. Bijula Bouri and others)

Vs.

Management of Gourandi-Begunia Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress
For the Management of ECL: Mr. P. K. Goswami, Advocate

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 30.10.2023**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/201/2004-IR(CM-II)** dated 13.05.2005 has been pleased to refer the following dispute between the employer, that is the Management of Gourandi-Begunia Colliery of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

‘Whether the action of the Management of Gourandi - Begunia Colliery in dismissing Sh. Sunil Bouri, Timber Mistry w.e.f. 11/13.8.2003 is legal and justified? If not, to what relief the workman is entitled and from which date?’

1. On receiving Order **No. L-22012/201/2004-IR(CM-II)** dated 13.05.2005 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 28 of 2005** was registered on

31.05.2005 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Goswami, learned advocate appeared for the Management on 18.11.2005 and filed written statement on 05.03.2007. Mr. Rakesh Kumar, the then General Secretary of Koyala Mazdoor Congress appeared and filed written statement on 05.03.2007.

3. In the written statement on behalf of Sunil Bouri it is stated that he was a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL) and was posted as Timber Mistry (UM No. 169509) at Gourandi Begunia colliery under Salanpur Area. On 09.07.2003 the management of ECL issued a charge sheet against Sunil Bouri for his absence from duty and after enquiry the management dismissed him from service on 08/13.08.2003. The workman requested the management for allowing him to join duty but it was not considered. According to workers' union, punishment of dismissal meted out to workman is a very harsh and extreme punishment which should not be awarded on a charge of absence due to illness. It is urged that punishment should be proportionate to the nature of offence. It is further contended that Sunil Bouri belongs to Scheduled Caste community and he is not aware about the rules and regulations of the company, being illiterate and his case should be considered sympathetically on humanitarian ground. It is the case of the dismissed workman that he has no other source of income to maintain his livelihood and his family members are in starvation. The workman submitted that his absence was not intentional and deliberate as he was prevented from attending duty due to illness. Workman has also contended that no second show cause Notice was issued to him before dismissal which is a violation of the guidelines of Coal India Limited. Based upon judgment of Hon'ble Supreme Court of India, union prayed for reinstatement in service and payment of full back wages and consequential benefits.

4. Management of ECL in their written statement disclosed that charge sheet was served upon Sunil Bouri due to his absence from duty from 26.05.2002 to 30.06.2003. It is contended that after dismissal of Sunil Bouri in 2003 concerned union raised Industrial Dispute before Assistant Labour Commissioner (Central) for the first time in the year 2004 after a passage of one year without any reason for delay.

5. It is the case of the management that Sunil Bouri was a habitual absentee and he remained absent from duty without information. He participated in the enquiry availing all opportunities he was entitled to. The Enquiry Officer found him guilty of the charge and recommended his dismissal. The past record of the workman was not good as he attended duty for only ninety one days in the year 2000, one hundred and seventeen days in the year 2001 and one day in the year 2002. Management urged that workman was not entitled to any relief due to misconduct in service.

6. In course of proceeding Smt. Bijula Bouri wife of Sunil Bouri filed an application for her substitution in place of her husband on the ground that her husband died on 01.09.2011. Application was considered by this Tribunal on 01.10.2015 and legal heirs of Sunil Bouri, namely Bijula Bouri, Majnu Bouri, Sarati Bouri, and Kumari Bharati Bouri were substituted in place of the deceased workman.

7. Bijula Bouri was examined as WW-I and Majnu Bouri (WW- 2) son of Sunil Bouri filed affidavit-in-chief and was tendered for cross-examination. The management declined to cross-examine him. In the affidavit-in-chief, Bijula Bouri reiterated the case of her husband disclosed in the written statement and further stated that Sunil Bouri died on 01.09.2011 leaving behind her as widow, Majnu Bouri as son and Sarati Bouri @ Madhumala and Bharati Bouri as two daughters. She stated that the management awarded a harsh and highest punishment of dismissal. Sunil Bouri went out of employment and the family suffered through difficult situations. She claimed that second show cause Notice was not issued to her husband which is essential as per the order of Coal India Limited dated 12.05.1994. According to Bijula Bouri her husband was wrongly and illegally dismissed and urged that the order of dismissal should be declared illegal and Sunil Bouri should be considered to be in the employment of the company from 13.08.2003 until his death i.e. on 01.09.2011. She further claimed that her son is an adult person and should be provided with employment as per the provision of NCWA and all benefits i.e. wages from 13.08.2003 to 01.09.2011 should be paid to her. She also claimed that CMPF amount, Life Cover scheme and Gratuity amounts should be paid to her. In cross-examination the witness (WW-I) deposed that her husband worked as daily labour for maintenance of family. She stated that she had papers to show that her husband was under medical treatment but was unable to produce the same. She denied suggestion that they had source of income to maintain their family.

8. Management of Gourandi Begunia colliery examined Mr. Devendra Kumar as MW-I. In his affidavit-in-chief it is averred that Sunil Bouri was a habitual and unauthorized absentee. Workman could not mend his conduct and committed the same mischief of unauthorized absence from 26.05.2002 to 30.06.2003 for which he was charge sheeted asking explanation. Enquiry Officer was appointed on 11.07.2003 and the workman participated in the enquiry proceeding where his statement was recorded. Witness averred that action of the management in dismissing Sunil Bouri was justified and the workman is not entitled to any relief. Witness produced the following documents on behalf of the management of E.C.L:

- (i) Copy of Charge Sheet issued to Sunil Bouri, as Exhibit M-1.
- (ii) Copy of letter dated 11.07.2003 regarding appointment of Enquiry Officer for departmental enquiry, as Exhibit M-2.

- (iii) Copy of Notice of Enquiry dated 17.07.2003, as Exhibit M-3.
- (iv) Copy of Enquiry Report in two pages collectively marked as Exhibit M-4.
- (v) Copy of statement of Sunil Bouri made before the Enquiry Officer, as Exhibit M-5.
- (vi) Copy of letter of dismissal dated 13.08.2003 issued by the General Manager, Salanpur Area, as Exhibit M-6.
- (vii) Copy of letter of dismissal dated 21.08.2003 communicated to Sunil Bouri, as Exhibit M-7.

In cross-examination witness deposed that they did not consider medical papers of Sunil Bouri as they were issued by doctors from outside. Witness admitted that no Second Show Cause Notice was issued to him before his dismissal. Witness also admitted that in the order of dismissal there is no reflection about considering Second Show Cause Notice. Witness denied the suggestion put on behalf of the workman that dismissal of Sunil Bouri is illegal and improper or the punishment imposed on him is disproportionate.

9. Mr. Rakesh Kumar, union representative arguing the case on behalf of the workman submitted that the workman was unable to attend his duty from 26.05.2002 to 30.06.2003 due to his illness and a medical certificate was attached but the management of company did not take into consideration the medical documents in support of illness of the workman. It is argued that workman participated in the enquiry proceeding and in Exhibit M-4 Enquiry Officer stated that Sunil Bouri submitted medical certificate as evidence of prolong sickness and treatment from private doctor but he did not accept the same without citing any reason to discard them. Referring to the statement of Sunil Bouri produced as Exhibit M-5, Mr. Rakesh Kumar pointed that workman consistently stated that he was unable to attend duty from 26.05.2002 due to serious illness and he was under medical treatment of doctors from outside and could not send information to the colliery. He stated that he had been declared fit by the doctor and he should have been allowed to resume his duty. It is vehemently argued that despite having strong defence, workman was kept in the dark and an order of dismissal was illegally issued to him without serving any second show cause Notice to the workman, as mandated by Hon'ble Supreme Court in the case of Union of India and Others vs Mohd. Ramzan Khan [AIR (1991) SC 471]. Mr. Rakesh Kumar relied upon circular No. CIL C-5A(VI)/50774/28 dated 12.05.1994, wherein referring to the decisions of the Hon'ble Supreme Court of India the Director (P&IR), CIL clearly indicated that the law laid down in Mohd. Ramzan Ali's case would operate prospectively to the orders of punishment passed after 20th November, 1990. It is argued on behalf of the dismissed workman and his legal heirs that the circular provides for supply of the enquiry report to the charged employee and while communicating the final order it must be mentioned that the representation of the employee was taken into consideration by the Disciplinary Authority. Mr. Rakesh Kumar argued that imposing extreme punishment in a case where sufficient medical evidence was produced before the Enquiry Officer is arbitrary and in violation of Natural Justice. It is argued that the order of dismissal passed against Sunil Bouri is liable to be set aside and Sunil Bouri should be considered to have been in employment from the date of dismissal until his death i.e. on 01.09.2011. It is claimed that legal heirs of Sunil Bouri are entitled to full back wages and also entitled to legal dues like amounts lying in CMPF, Life Cover scheme and Gratuity.

10. Mr. P. K. Goswami, learned advocate for the management in reply argued that the concerned workman admittedly remained absent without information for more than one year and he was found guilty for his unauthorized absence from duty which caused dislocation of work of the company. It is submitted that workman submitted explanation against charge of misconduct under provision of Certified Standing Order 26:29 of Coal Mines which was not found satisfactory and the Enquiry was held by Mr. S. P. Chaurasia, Asstt. Colliery Manager, Gourandi-Begunia colliery. Opportunity was given to the workman to adduce evidence in support of the case. Management representative, Mr. N. D. Maji in evidence stated that Sunil Bouri absented from duty and did not send information regarding his leave. Furthermore, his past performance was also not good. Learned advocate submitted that workman was dismissed w.e.f. 11.08.2003 on the basis of an approval of Competent Authority of the company i.e. General Manager, Salanpur Area which was communicated to the charged employee by the Manager, G. B. Colliery. Learned advocate argued that it is a fit case where the workman held guilty of the charge has to be appropriately dismissed from service and he is not entitled to any relief.

11. I have considered the rival contentions of the management and on behalf of the workman, in respect of dismissal of Sunil Bouri from service due to his unauthorized absence from duty. Admittedly Sunil Bouri remained absent from 26.05.2002 to 30.06.2003 before issuance of charge sheet on 09.07.2003 (Exhibit M-1). Charge levelled against him was for misconduct under provision of 26:29 of the company's standing order of coal mines. There is no dispute regarding service of charge sheet and Notice of Enquiry upon Sunil Bouri. On a perusal of the explanation submitted by Sunil Bouri against the charge sheet, I find that the reason for inability to attend duty was due to his sufferings from serious disease which has not been named. He had also attached medical certificate in support of his illness. In the enquiry proceeding charged employee consistently stated that he could not attend duty due to illness and was under medical treatment of outside medical officer. At the time of recording of statement by the Enquiry Officer the workman disclosed that he was declared fit by the doctor and prayed for resumption of duty. In the report of Enquiry Officer (Ext. M-4) it is stated that Sunil Bouri submitted medical certificate as evidence of his illness and treatment which were not tenable. No reason was assigned by the Enquiry Officer as to why he did not rely upon medical certificate. There is no whisper in the Enquiry Report that medical certificate was a fraudulent document or it

is issued by a non-medical person. Taking these into consideration I am of the considered view that decision of holding charged employee guilty for his absence is not sustainable when he had made best effort by producing medical document in support of his illness. Management did not verify the genuinity of such documents. It may not be possible for all employees to visit company's hospitals on every occasion of illness. An employee has liberty to visit any doctor of his choice. Having considered all aspects, contents of enquiry proceeding and the Enquiry finding/report in Exhibit M-4, I am of the view that enquiry officer's finding suffers from infirmity due to the want of proper reason to hold charged employee guilty. The second facet of this case rests upon an issue as to whether the management of the company complied the pre-requisites before dismissing the workman. In the case of **Union of India and Others vs Mohd. Ramzan Khan [AIR (1991) SC 471]**, wherein the Hon'ble Supreme Court of India laid down the law as follows:

"When the Inquiry Officer is not the Disciplinary Authority, the delinquent employee has a right to receive a copy of the inquiry officer's report before the Disciplinary Authority arrives at its conclusion with regard to the charges levelled against him. A denial of the inquiry officers' report before the Disciplinary Authority takes its decision on the charges, is denial of opportunity to the employee to prove his innocence and is a breach of the principles of natural justice." In the case of **Managing Director, ECIL, Hyderabad vs. B. Karunakaran [1993 (3) SLR 532 (SC)]**, the Hon'ble Supreme Court of India on further examination laid down the following guidelines and direction:

"It is evident where the Inquiry Officer is other than the Disciplinary Authority, the disciplinary proceeding break into two stages. The first stage when the Disciplinary Authority arrives at its conclusion on the basis of evidence, Inquiry Officer's report and the delinquent employee's reply to it. The second stage begins when the Disciplinary Authority decides to impose penalty on the basis of its conclusion. If the Disciplinary Authority decides to drop the proceeding, the second stage is not even reached. The employee's right to receive the report is thus, a part of the reasonable opportunity of defending himself in the first stage of inquiry. If the right is denied to him, he is in effect denied the right to prove his innocence in the disciplinary proceeding."

12. In circular No. CIL C-5(VI)/50774/28 dated 12.05.1994, referring to the aforesaid decisions of the Hon'ble Supreme Court of India the Director (P&IR), CIL clearly indicated that the law laid down in **Mohd. Ramzan Ali's case** would operate prospectively to the orders of punishment passed after 20th November, 1990. The Enquiry Report should be supplied to the charged employee and while communicating the final order it must be mentioned that the representation of the employee was taken into consideration by the Disciplinary Authority.

13. In the instant case I find from the evidence of Mr. Devendra Kumar that no Second Show Cause Notice was issued to Sunil Bouri. In view of binding nature of above referred decisions and Circular issued by CIL dated 12.05.1994 it is absolutely clear that the delinquent workman should be served with a copy of enquiry proceeding and second show cause Notice regarding charge establishment and an opportunity must be provided for submitting his representation in respect of findings of Enquiry Officer before imposing any punishment against him. In the present case the Enquiry Officer and Disciplinary Authority are different persons. Therefore, workman ought to have been provided an opportunity to submit his representation before imposing an extreme punishment of dismissal from service. The case of the Management therefore appears to have failed on both counts. The Mandate of the Hon'ble Supreme Court is evidently not followed in the present case. I therefore find that the punishment of dismissal imposed is bad in law and is liable to be set aside. As enquiry proceeding is vitiated for want of mandatory compliance, I am inclined to hold that the impugned order of dismissal passed without observing the prerequisites is bad in law and is liable to be set aside. In the instant case Sunil Bouri died on 01.09.2011 and his death certificate is produced. Under the given circumstances, there is no scope to permit the Management of ECL to issue a Second Show Cause Notice to the workman at this stage. It is therefore appropriate to hold that dismissal of Sunil Bouri from service by the General Manager by his letter No. C-6/36/P-4/03 dated 8/13.08.2003 and letter issued by the Manager, Gourandi Begunia colliery bearing letter No. GB/C-6/Term/03/4100 dated 14/21.08.2003 are arbitrary, bad in law and are set aside. Sunil Bouri having expired on 01.09.2011, therefore would be deemed to be in employment of the Company w.e.f. date of dismissal i.e. 11.08.2003 until his death i.e. on 01.09.2011.

14. The Hon'ble Supreme Court in **Deepali Gundu Surwase v/s Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) and others 2013 LAB. I.C. 4249** has held that:

"Cases in which the tribunal finds that the employer has acted in gross violation of the statutory provision or the principal of natural justice or is guilty of victimizing the employee or workman, then the concerned Court or Tribunal will be fully justified in directing payment of full back wages. The courts must keep in view that in cases of wrongful/illegal termination of service the wrongdoer is the employer and the sufferer is the employee/workman and there is no justification to give premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages."

15. Workman, Sunil Bouri was terminated from his service without accepting the medical documents by the Enquiry Officer and without issuance of any Second Show Cause Notice for submitting representation against the findings of the enquiry proceeding, I am therefore inclined to hold that dismissal of Sunil Bouri resulted in violation of the Principle of Natural Justice and the legal heirs of the workman is entitled to his full back wages from

18.11.2003 to 01.09.2011. Since the workman died during the pendency of this Industrial Dispute, Bijula Bouri (wife), Majnu Bouri (son), Sarati Bouri @ Madhumala and

Kumari Bharati Bouri (daughters) would be entitled to receive back wages and other amount lying in the name of Sunil Bouri under CMPF, Life Cover Scheme and Gratuity. Management of the company is directed to comply the terms of award within three months from the date of Notification.

16. Industrial Dispute is decided in favour of the legal heirs of Sunil Bouri on contest.

Hence,

ORDERED

that an Award be drawn up in favour of legal heirs of Sunil Bouri, Ex-employee of Gourandi Begunia colliery of ECL. Legal heirs shall be entitled to receive full back wages from 18.11.2003 to 01.09.2011 along with consequential benefits like amount lying with CMPF, Life Cover Scheme and Gratuity. Management shall comply the terms of Award within three months from the date of Notification. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 18 जनवरी, 2024

का.आ. 145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल.के प्रबंधन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, गोदावरीखानी के पंचाट (संदर्भ संख्या 96/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06/01/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आईआर(सी एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 18th January, 2024

S.O. 145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 96/1999) of the **Central Government Industrial Tribunal-cum-Labour Court, Godavarikhani** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.L.** and their workmen, received by the Central Government on **06/01/2024**.

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-CUM- ADDL. DIST. & SESSIONS COURT, GODAVARIKHANI.

PRESENT:- SRI Dr.T.SRINIVASA RAO,

CHAIRMAN-CUM-PRESIDING OFFICER.

TUESDAY, ON THIS THE 19th DAY OF DECEMBER, 2023.

I.D.No. 96 of 1999

Between:-

B.Prabhakar Goud, Ex-E.P Operator, S/o. Nara Goud, Age: 34 years, R/o T2-200, Centenary Colony of Kamanpur Mandal, Peddapalli District, Telangana State-505209.

...Petitioner.

AND

1. The Project Officer, Singareni Collieries Company Ltd.,
OCP-II, Ramagundam Mandal, District: Peddapalli, Telangana State – 505209.
2. The General Manager, Singareni Collieries Company Ltd.,
OCP-II & III, Ramagundam Mandal, District: Peddapalli, Telangana State - 505209.
3. The Chairman & Managing Director,
Singareni Collieries Company Ltd.,
Kothagudem, District: Bhadrachalam-Kothagudem.

...Respondents.

This case coming before me for final hearing in the presence of Sri B. Shantan Kumar, Advocate for the Petitioner and of Sri T. Ravinder Singh, Advocate for the Respondents; and having been heard and having stood over for consideration till this day, the Tribunal delivered the following:-

AWARD

1. This petition is filed Under Section 2-A (2) of I.D. Act praying to set aside the dismissal order dt.07.05.1995 passed by the Respondent No.2 and to direct the Respondents'-Company to reinstate the petitioner into service with continuity of service, together with all attendant benefits and full back wages.
2. It is submitted that the Hon'ble High Court by Common Order dt.27.04.2023 in W.P.Nos. 4435/2002, 5545/2003 and 1565/2008 has remanded back the matter to this Tribunal for passing reasoned orders afresh, strictly in accordance with law. The Hon'ble High Court referred to a judgment of the Hon'ble Supreme Court in *Shukla and Brothers Case* reported in (2010) 4 SCC 785. As per the orders of the Hon'ble High Court, this Tribunal issued notices and both parties have appeared before this Tribunal and adduced their evidence and advanced rival arguments.
3. The brief averments of the petition are as follows:-
 - 3(a). It is to submit that the petitioner was appointed in the Respondents'-Company as E.P Operator during the year 1987 and he was discharging his duties to the utmost satisfaction of his superiors, without any adverse remarks. On 04.01.1994, the petitioner attended his allotted duties in III-shift and operated the P-2 Shovel and gave O.B loads to dumpers. There was oil leakage problem and after giving some loads, Horn of the Shovel failed and the Electrician attended for 1 ½ hours but in vain. On arranging a worker by the Over man, the petitioner gave some more loads of O.B. and then Fitter came for attending the oil leakage and it was found that the Boom pipe was broken. Thereafter, the petitioner returned from the work spot at about 06:30 A.M., he did not observe anything about the death of Madar Saab and he did not commit any mistake.
 - 3(b). It is to submit that the Respondent No.1 issued Charge Sheet dt.07.02.1994 alleging that petitioner committed misconduct under clauses 16(19), 16(5) and 16(1) of standing orders. He submitted detailed satisfactory explanation dt.20.02.1994 to the Charge Sheet and participated in the domestic enquiry. The petitioner performed duties for (14) months, but the Respondent No.2 unjustly dismissed him from service vide Ref. dt.07.05.1995 w.e.f., 14.05.1995, which is a clear case of victimization and unfair Labour practice and this court may be pleased to consider the crucial facts.
 - 3(c). It is to submit that petitioner did not commit any misconduct and the charges are incorrect, false and far from truth. He did not commit nor conceal any misconduct and (18) other employees were present at the work spot. There is no clinching evidence against him to find him guilty of any misconduct and the findings of the Enquiry Officer are perverse and biased. The respondents' witnesses during their cross-examination categorically admitted before the Enquiry Officer that they do not know how the deceased cable boy died and they did not observe the petitioner committing any misconduct. The statements of Sri D. Sudhakar Reddy, Tripman and Sri B. Ganapathi Reddy, Cable Boy recorded by the enquiry officer are contradictory and there is no corroboration of evidence. He was dismissed from service even after he was acquitted from the criminal case by the Hon'ble J.M.F.C., Manthani (Mobile) vide Judgment dt.16.02.1995 in C.C. No. 69/1994. The respondents ought to have retained him in service and paid him full salary for the period he was kept out of duty, as he was acquitted from the criminal case.
 - 3(d). Further, Nija Nirdharana (fact finding) Committee opined that the petitioner and (03) others were dismissed from service unjustly and no fault was committed by them. The committee strongly opined that only one person was involved (Dozer Operator) in the incident and sought the respondents to reinstate the petitioner and (03) others with back wages. The respondents have issued Charge Sheets to (07) employees and (03) employees i.e., 1. Ch. Chandra Mouli, Overman; 2. G. Venkateshwarlu, Overman; and 3. B. Eshwar Reddy, Dozer Operator were imposed with punishment of (10) days suspension but, the petitioner was unjustly dismissed from service to take revenge against him in view of his union activities.

3(e). The respondents have not issued any Show Cause Notice prior to imposing the extreme punishment of dismissal. The respondents failed to consider the true facts and admissions of dozer operator Sri B. Eshwar Reddy, during the Police investigation. The written applications of the witnesses examined by the enquiry officer, giving full details and categorically stating that they deposed against the petitioner due to violence and fear and that they did not see anything or know anything were not considered by the respondents. Further, as per the Judgment of Hon'ble High Court dt:03-08-1995 in W.P. No.8395/89, Between: U.Chinnappa Vs. Cotton Corporation of India, this Court has got jurisdiction to entertain this petition. The capital punishment of dismissal from service imposed on petitioner is highly excessive and shockingly disproportionate to the charges and it amounts to his economic death, which is not warranted. This Tribunal is vested wide powers U/Sec.11-A of I.D. Act to grant every relief to the petitioner. Therefore, prayed to set aside the dismissal order dt.07.05.1995 and to direct Respondents'-Company to reinstate him into service with continuity of service, all attendant benefits and full back wages.

4. On the other side the Respondents/Management filed counter by admitting the employment of the Petitioner/Workman with the Respondents'-Company, however, inter-alia contended that the respondent company is a coal mining industry and owned by the Govt. of India. This Tribunal which is constituted by the State Govt. is not vested with the jurisdiction to entertain this petition and the same may be dismissed for want of jurisdiction.

4(a). The petitioner has been working at OCP.II Project, RG.IV Area as E.P. Operator of shovels. On 04.01.1994, in the night shift the petitioner attended his duties and he was allotted to work on shovel No.P-2. On 05.01.01994, in the first shift at about 09:30 A.M the first shift shovel operator was working P-2 shovel from +740 RL Bench and while he was lifting the over burden, a mutilated body was found exposed and it was identified as the body of Sri Madar Sab, cable boy of night shift who was allotted to work on P-3 shovel. Immediately it was brought to the notice of Police, who conducted preliminary enquiry into the incident. During the enquiry it was found that due to careless and negligent operation of P-3 shovel by its operator Sk.Ahmed, the shovel bucket hit Sri Madar Sab at around 02:30 A.M. in their shift on 04.01.1994 causing fatal injuries, due to which he died.

4(b). The petitioner instead of reporting the matter to the higher authorities, removed the dead body to P-2 shovel work face in connivance with 3 other operators and covered it with over burden material of P-3 shovel with a view to conceal the evidence. Charge sheet was issued to the petitioner and domestic enquiry was conducted, as his explanation to charge sheet is not satisfactory. The domestic enquiry was conducted on 27.02.1994, 09.03.1994 and 15.03.1994; and on all these dates the petitioner participated in the enquiry. The Enquiry Officer submitted report holding that the charges against the petitioner are proved. The copies of enquiry proceedings and a show cause notice dt.18.07.1994 was issued to the petitioner for which he submitted representation dt.12.08.1994. The explanation given by the petitioner was not satisfactory and hence he was dismissed from service.

4(c). Further, there is no bar to initiate domestic enquiry during the pendency of the criminal case against the petitioner. The Hon'ble J.F.C.M, Manthani acquitted the petitioner by giving benefit of doubt and the Judgment in criminal case is not relevant to the domestic enquiry and it is not binding on the Enquiry Officer. Further, Niza Nirdharana Committee has nothing to do with the administrative functions of the Management and infact some other persons were also issued with charge sheets in this regard. Since the charges against the petitioner were very grave in nature, he was dismissed from service along with 3 other operators who helped the petitioner in concealing the evidence. With regard to other persons, (10) days suspension was awarded depending on the gravity of misconduct. Sri T. Janardhan Reddy, Dozer Operator was in first shift on 05.01.1994 and the incident took place during the night shift of 04.01.1994, as such his statement was not recorded. A show cause notice vide letter dt:18.07.1994 was issued to the petitioner enclosing thereto the copies of enquiry proceedings. He submitted a representation dt.12.08.1994 in response to the show cause notice issued to him. The acts committed by the petitioner are very grave and the punishment imposed by the management is reasonable. Therefore, the respondents prayed to dismiss the petition, without granting any relief to the petitioner.

5. In support of the claim of the Petitioner/Workman, he got marked Ex.W-1 to Ex.W-27 and on the other side for the Respondents'-Company Ex.M-1 to Ex.M-9 were marked.

6. Arguments of the learned counsel for Petitioner/workman as well as learned counsel for the Respondents/Management heard. Perused the record produced before this Tribunal, written arguments and citations.

7. ***Now the points for consideration are:-***

1. ***Whether the domestic enquiry conducted by the respondents is held valid or not?***
2. ***Whether the charges leveled against the petitioner are proved basing on evidence or not?***
3. ***Whether the dismissal order dt.07.05.1995 is liable to be set aside, if so, whether the petitioner is entitled to reinstatement with continuity of service with all attendant benefits and full back wages?***

If not, to what relief is the petitioner entitled to?"

8. From the pleadings of the Petitioner/Workman and Respondents'-Company, these are the admitted facts that the petitioner/workman worked as E.P Operator in the Respondents'-Company and he was dismissed from service. Ex.M-1 is the charge sheet issued to the petitioner along with acknowledgement. Ex.M-2 is the explanation to the charge sheet submitted by the petitioner. Ex.M-3 is enquiry notice issued to petitioner with acknowledgement. Ex.M-4 is the Letter of petitioner requesting the postponement of enquiry. Ex.M-5 is the enquiry proceedings and Ex.M-6 is the enquiry report along with the statements. Ex.M-7 is the letter issued to petitioner to submit his representation on enquiry report and Ex.M-8 is his representation there-to. Ex.M-9 is the dismissal order issued to petitioner. On the other side, the petitioner got marked Ex.W-1 to W-27 on his behalf. Ex.W-1 is the List of the workers called to enquiry. Ex.W-2 is the Representation of operators union. Ex.W-3 is the deposition of Dastagiri, who is petitioner in another I.D.No.93 of 1999 in the enquiry. Ex.W-4 is the photo copy of Judgment in C.C.No.69/1994 of J.M.F.C., Manthani. Ex.W-5 is the representation of operators union. Ex.W-6 is the Appeal enclosing the fact finding committee report by A.I.T.U.C. Ex.W-7 is the Letter addressed to Chairman & Managing Director, SCCL, Hyderabad by Sri M. Damodar Reddy, Minister for Mines & Geology. Ex.W-8 is the Letter addressed to the Addl. Director of General CBCID, Hyderabad by Sri M. Mallesh, MLA, Godavarikhani. Ex.W-9 is the statement of the Sk. Ahmed. Ex.W-10 is the Letter addressed to Sri Bala Gopal, General Secretary, APCLC by P. Mallesh and (03) others. Ex.W-11 is the Letter addressed to the S.P of Police by the union. Ex.W-12 is the letter addressed to the Nija Nirdharana Committee by Sri P. Mallesh alongwith letter addressed to Sri M. Damodar Reddy, Minister for Mines & Geology by B.Nagaiah, General Secretary of the Association. Ex.W-13 to Ex.W-26 are 14 Original Pay Sheets of the petitioner from November, 1993 to April 1995. Ex.W-27 is certified copy of Judgment in C.C No. 69/1994 of Judicial Magistrate of First Class (Mobile), Manthani, dt.16.02.1995. The above documents of both sides are not in much dispute by either side.

9. Here, the learned counsel for the respondents'-company has strenuously argued that the petitioner was working at OCP-II Project as E.P. Operator of shovels. On 04.01.1994 in the night shift he was allotted to work on shovel No.P-2. On 05.01.1994, it was found that due to the careless and negligent operation of another shovel P-3 by its operator Sk.Ahmed, shovel bucket hit the cable boy Madar Sab at around 02:30 A.M. in their shift on 04.01.1994 causing fatal injuries, due to which he died. The petitioner did not report the matter to higher authorities and connived with 3 other operators in covering the dead body with over burden material, with a view to conceal the evidence. Charge sheet was issued to the petitioner and others. As explanation of the petitioner to charge sheet was not satisfactory, domestic enquiry was conducted. He participated in the enquiry on all the dates of enquiry and Enquiry Officer submitted his report holding that the charges were proved. The copies of enquiry proceedings and a show cause notice dt.18.07.1994 was issued to the petitioner for which he submitted representation dt.12.08.1994. The explanation given by the petitioner was not satisfactory and hence the petitioner was dismissed from service by order dt.07.05.1995, which is justified.

9(a). Further, the learned counsel for the respondents'-company argued that there is no bar to initiate domestic enquiry during the pendency of the criminal case. The J.F.C.M, Manthani acquitted the petitioner by giving benefit of doubt and the Judgment in criminal case is not binding on the Enquiry Officer. Further, Niza Nirdharana Committee has nothing to do with the administrative functions of the Management and some other persons were also issued with charge sheets in this incident. Since the charges against the petitioner were very grave in nature, he was dismissed from service along with 3 other operators who helped the petitioner in concealing the evidence. With regard to other persons, (10) days suspension was awarded depending on the gravity of misconduct.

9(b). The learned counsel for the respondents'-company also argued that the respondent company is a coal mining industry and owned by the Govt. of India. This Tribunal which is constituted by the State Govt. is not vested with the jurisdiction to entertain this petition and the same may be dismissed for want of jurisdiction. Further, the acts committed by the petitioner are very grave and the punishment of dismissal imposed on him by the management is reasonable. The other allegations of the petition are denied and prayed to dismiss the petition, without granting any relief to the petitioner.

10. Per contra, the learned counsel for the petitioner/workman strenuously argued that petitioner was appointed as E.P Operator during the year 1987 and he was discharging his duties to the utmost satisfaction of his superiors, without any adverse remarks. While so, on 04.01.1994 he attended his allotted duties in the night shift/III-shift and operated the P-2 Shovel. There was oil leakage problem and after giving some O.B loads, Horn of the Shovel failed and the Electrician attended for 1 ½ hours but in vain. On arranging a worker by the Over man, the petitioner gave some more loads of O.B and then Fitter came for attending the oil leakage and it was found that the Boom pipe was broken. He returned from work spot in the early hours at about 06:30, he did not observe anything about the death of the cable boy of P-3 shovel Madar Saab and he did not commit any mistake. But, the Respondent No.1 issued Charge Sheet dt.07.02.1994 alleging that he committed misconduct under standing orders. He submitted satisfactory explanation on 20.02.1994 to the Charge Sheet and participated in the domestic enquiry. Further, he was allowed to duty for 14 months after the unfortunate incident of 04.01.1994 to till 14.05.1995 by the respondent; hence, the dismissal order dt.07.05.1995 is highly illegal, clear victimization and unfair Labour practice.

10(a). Further, the learned counsel for the petitioner argued that the witnesses who were examined before the Enquiry Officer admitted that only Sk.Ahmed threatened them and not the petitioner, they did not observe the petitioner while

giving First Aid to Madar Sab and while transporting his body and they do not know how the cable boy Madar Saab died. Further, the petitioner was acquitted from the criminal case C.C. No. 69/1994 by the J.M.F.C., Manthani (Mobile) vide Judgment dt.16.02.1995. The respondent issued charge sheets to 7 employees, imposed punishment of 10-days suspension to 3 of them i.e., 1). Ch. Chandramouli, Overman; 2). G. Venkateshwarlu, Overman and 3). B.Eshwar Reddy, Dozer Operator. But, petitioner and 3 others were unjustly imposed capital punishment of dismissal from service, which highly arbitrary and unjust. Further, the respondents continued the petitioner in the job for 14 months from January 1994 to till 14.05.1995 i.e., till dismissal from service by order dt.07.05.1995. It shows that the petitioner did not commit any serious misconduct as alleged in the charge sheet. Respondents failed to consider the admissions of dozer operator Sri B. Eshwar Reddy, during the Police investigation.

10(b). He further contended that Nija Nirdharana (fact finding) Committee opined that petitioner and (03) others were dismissed from service unjustly and no fault was committed by them. The committee strongly opined that only 1 person was involved (Dozer Operator) in the incident and sought the respondents to reinstate the petitioner and (03) others with back wages. The respondents have imposed minor punishment of (10) days suspension to (03) employees 1. Ch. Chandra Mouli, Overman; 2. G. Venkateshwarlu, Overman; and 3. B. Eshwar Reddy, Dozer Operator; the petitioner was unjustly dismissed from service to take revenge against him in view of his union activities.

10(c). The learned counsel for the further strenuously argued that the respondents have failed to issue any Show Cause Notice by proposing the punishment as to why he should not dismissed from service and the extreme punishment was imposed on the petitioner straight away, without issuing any show cause notice of dismissal. Further, the capital punishment of dismissal from service imposed by the respondents is highly excessive, arbitrary and shockingly disproportionate and not commensurate with the alleged charges and it amounts to economic death of the petitioner. This Tribunal is vested with wide powers U/Sec.11-A of I.D. Act to grant every relief to the petitioner. The petitioner is out of employment and he is moving before this Tribunal and Hon'ble High Court for more than (25) years since the year 1999. Ever since his dismissal from service, he could not secure any alternative job despite best efforts and it has become very difficult to eake-out lively-hood. He hails from a very poor family and on account of his dismissal from service by the respondents, his entire family is suffering from starvation and thrown on the streets. Therefore, he prayed to set aside the dismissal order dt.07.05.1995 passed by 2nd respondent and direct the respondents'-Company to reinstate the petitioner into service with continuity of service, all other consequential benefits and full back wages.

11. In view of the pleadings of the Petitioner/Workman as well as Respondents/company as well as in view of the rival arguments of their respective counsel now this Court will go into the evidence on record. Admittedly, the Hon'ble High Court passed Common Order dt.27.04.2023 in W.P.Nos.4435/2002, 5545/2003 and 1565/2008 by remanding back the matter to this Tribunal for passing reasoned orders afresh, strictly in accordance with law. The Hon'ble High Court referred to a judgment of the Hon'ble Supreme Court in *Shukla and Brothers Case* reported in (2010) 4 SCC 785 whereby the Hon'ble Supreme Court held as under:-

"..... while exercising the power of judicial review on administrative action and more particularly the Judgment of Courts in appeal before the higher Court, providing of reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard. Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order.

.....A litigant who approaches the Court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer. Reasons are the soul of orders. Non-recording of reasons could lead to dual infirmities; firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. The orders of the Court must reflect what weighed with the Court in granting or declining the relief claimed by the applicant".

11(a). As per the orders of the Hon'ble High Court, on issuing notices, both parties have appeared before this Tribunal and adduced evidence and respective arguments. Further, as per the Division Bench Judgment of Hon'ble High Court dt:03-08-1995 in Writ Petition No. 8395/1989, Between: U. Chinnappa Vs. Cotton Corporation of India, this Tribunal has got jurisdiction to entertain this petition and the learned counsel for the respondents did not raise any dispute with regard to the jurisdiction of this Tribunal to entertain this matter. Hence, this Tribunal has every jurisdiction to adjudicate this case as per the settled law.

POINT No. 1:

12. In this matter, initially the petitioner/workman denied the validity and legality of the enquiry report. But, on 28.11.2023, the learned counsel for the petitioner has filed a memo by accepting the domestic enquiry as fair and valid. Now the next question is whether the misconduct is proved in the facts of the case and the findings are not

perverse. So, this Tribunal is to re-appreciate the evidence and come to its own conclusion with regard to finding guilty or not based on evidence. Accordingly, the point No.1 is answered.

POINTS No. 2 & 3:

13. A perusal of the record, it is evident that the petitioner was issued charge sheet dt.07.02.1994 under Ex.M-1 shows that on 04.01.1994 in the III shift one Madar saab, cable boy died of fatal injuries due to hit by P-3 Shovel bucket being operated by Shaik Ahmed, E.P operator. It was found that instead of reporting the incident to superiors, the petitioner connived with Shaik Ahmed in concealing the evidence by transporting the body to P-2 shovel face and cover it with OB material and threatened the others with dire consequence if they revealed anything of the incident, which amounts to misconduct under Clauses 16(19), 16(5) & 16(1) of standing orders of the company.

13(a). Further, the petitioner submitted his detailed explanation dt.20.0.1994 by denying the charges which is marked as Ex.M-2, wherein he stated that on 04.01.1994 during III shift he was allotted P-2 shovel. At about 12.00 (night time), he along with 6 others went to the work spot in the conveyance van. It shows that the deceased Madar Sab was cable boy for P-3 shovel of Shaik Ahmed, while one B.Ganapathi Reddy was cable boy for P-2 shovel of petitioner. When he was operating P-2 shovel, there was oil-leakage and he got reported the same to the Shift Fitter through his cable boy, but it was not attended. He took rest in the Dumper during Tea break time along with its driver Anand. After that as instructed by Sri Venkateshwarlu, over-man, he operated the P-3 shovel and after 3 loads, Horn of the Shovel did not work. He got reported the horn failure through his cable boy and the Shift Electrician tried to repair the horn for 1½ hours, but in vain. Then Sri Venkateshwarlu, overman arranged a worker and he gave 3, 4 trips load and by then Fitters came. They checked the oil leakage problem and found that Boom Pipe was broken and stopped shovel. He returned from the work spot at about 06.30 A.M and no incident occurred when he was operating his P-3 shovel, he did not see the death of Madar saab, that he was not under drunken condition, he did not threaten anybody and there is no insubordinate behavior.

13(b). It is also evident from the record that the domestic enquiry was conducted, wherein the petitioner participated in the enquiry proceedings and the Presenting Officer got examined 3 witnesses in all on behalf of Respondents viz., 1.Dudem Sudhakar, 2.Koppula Satyanarayana & 3. Ratna Raji Reddy. The petitioner cross-examined all the 3 witnesses at length and apart from giving his enquiry statement. The enquiry proceedings and the statements recorded by the Enquiry Officer are marked as Ex M-5. A perusal of the enquiry statement of Dudem Sudhakar, S/o.Ramaiah, Tripman shows that the petitioner started operating the P-2 shovel from 1.15 A.M onwards and P-3 shovel was operated by Madar Saab, cable boy. At about 2.40 A.M there was no material and dozing was done till 3.10 A.M. Meanwhile at about 2.55 A.M., he heard a cry and he thought that somebody was calling. He saw Sk.Ahmed, Mallesh, Dastagir and petitioner were giving First Aid to the legs of Madar saab and Niranjana Rao, Parsha Ramulu, Raji Reddy, Ganapathi Reddy, Madhu, Sampath and 2 or 3 others were there. Further, Sk.Ahmed, Dastagir, Mallesh and petitioner (B.P.Goud) kept the body in the Dumper of Dastagir allotted to P-3 shovel and dumped at the face of P-2 shovel and at around 4.15 he was woken up by Sri Venkateshwarlu, overman. He deposed about the oil leakage problem and horn failure of P-2 shovel and stoppage of shovel of the petitioner at about 6.15 A.M due to Hose Pipe broken, which supports the version of the petitioner under Ex.M-2. During cross-examination by the petitioner, he admitted that he was not sure whether the petitioner (B.P Goud) was present on the spot or not; he was not sure whether petitioner was helping in the First Aid and in transporting the body to P-2 shovel face; and he categorically admitted he saw the petitioner was working with his P-2 shovel.

13(c). Further, from a perusal of the enquiry statement of 2nd witness Koppula Satyanarayana, S/o. Ramaiah, it shows that he attended duties with allotted HD-13 Dumper on that day. He did not depose anything about the death of Madar Saab cable boy and about the fatal injuries caused with P-3 shovel bucket operated by Sk.Ahmed. He simply deposed that Shaik Ahmed threatened him *that you have not seen anything*. During cross-examination by the petitioner, the witness admitted that Shaik Ahmed threatened him and the petitioner was in the P-2 shovel, that Dastagiri, Mallesh and Ganapathi Reddy were seen with Sk. Ahmed. He stopped because Sk.Ahmed threatened him and he does not know what was there. Further, he admitted that when Sk.Ahmed threatened him, the petitioner was not doing anything. That P-3 shovel was stopped when Shaik Ahmed threatened him. The evidence of this witness supports the version and defense put forth by petitioner submitted in his explanation to the charge sheet under Ex.M-2.

13(d). Apart from that, from a perusal of the enquiry statement of 3rd witness Ratna Raji Reddy, S/o.Pochaiah, Dumper Operator shows that when he got down the dumper, Sk.Ahmed asked him to go and sit in his dumper and don't tell anything. He deposed that the petitioner informed about the Horn failure of his shovel and on reporting by him Veeraiah, Electrician came to the shovel. After that he took one load from P-2 shovel of petitioner. This witness did not depose anything about the charges of threatening, conniving and concealment framed against the petitioner. Further, during his cross-examination a question was put by the petitioner: *"Have you seen me doing something about death of Madar Sab?",* he replied that: *"No please"*. To another question: *"Have you seen me with the group of Sk.Ahmed, Dastagiri and Mallesh?"* For which he replied that: *"No I did not see. I saw you but not near them"* and further admitted that he saw the petitioner at P-2 shovel. To another question: *"Have you seen me threatening?"* he clearly deposed that: *"Only Sk.Ahmed threatened me"*. Further to a question: *"When Shaik Ahmed was threatening, whether I am with him. Answer me 'yes' or 'no' ,* for which the witness replied that the petitioner was near P-2 shovel

only. Lastly, the witness clearly admitted that he did not see the petitioner by transporting the body of Madar Sab. Further, the enquiry statement of the petitioner before the Enquiry Officer is on the same lines of his explanation to the charge sheet under Ex.M-2 and deposed that he did not conceal any evidence and not connived with Sk. Ahmed in transporting the body of Madar Sab to P-2 shovel face, and he did not threaten anybody, he was not in drunken condition and there is no insubordination on his part. To a question put by Presenting Officer during his cross-examination, he categorically stated that he was not there when Shaik Ahmed was threatening Sri Satyanarayana and he did not find any such incident. From the above enquiry record, it appears that the 3 witnesses got examined by the Presenting Officer did not support the charges framed against the petitioner and further their admissions clearly supports the version and explanation of the petitioner under Ex M-2 and his enquiry statement under Ex. M-5 remained un-rebutted.

14. The enquiry findings report is marked as Ex.M-6 wherein the Enquiry Officer observed that the petitioner did not directly threaten others with dire consequences. Further the Enquiry Officer concluded that the charges are proved against the petitioner as he was with Shaik Ahmed when the latter was threatening others, he connived with Shaik Ahmed, acted as accomplice and not informed the incident to higher authorities. Further, the petitioner was asked to submit his representation if any, on the enquiry findings report vide Notice dt.18.07.1994, which is marked as Ex.M-7, to which he submitted his representation dt.12.08.1994 denying the charges and enquiry report, which is marked as Ex.M-8. After 10 months, the petitioner was dismissed from service w.e.f., 14.05.1995, vide Proc. dt.07.05.1995 which is marked as Ex. M-9. Therefore, as per the enquiry proceedings under Ex.M-5 as well as material on record clearly show that one Madar Sab, cable boy was died of fatal injuries due to hit by P-3 shovel bucket being operated by Shaik Ahmed, operator. The enquiry record further shows that Shaik Ahmed threatened the witnesses and other employees with dire consequences. Further, as the Clauses 16(19), 16(5) and 16(1) of standing orders i.e., breach of the Indian Mines Act or any other Act, drunkenness, fighting, riotous or disorderly or indecent behavior, willful insubordination or disobedience etc, threatening by the petitioner, his conniving with Shaik Ahmed and concealment of evidence as per the charges are not supported and substantiated by any witnesses examined during enquiry.

14(a). Apart from the above, it is clearly evident from the pay sheets of the petitioner marked as Ex.W-13 to Ex.W-26 that the respondents have allowed the petitioner to duty for 14 months after occurring the fatal incident from 04.01.1994 to 14.05.1995 i.e., till he was dismissed from service vide Proc.dt.07.05.1995. Further, Ex.W-1 to Ex.W-12 are the Representation of operators union, copy of Judgment in C.C.No.69/1994 of J.M.F.C., Manthani, Appeal and fact finding committee report by A.I.T.U.C., Letter addressed to Chairman & Managing Director, SCCL, Hyderabad, Letter addressed to the Addl. Director of General CBCID, Hyderabad and Letter addressed to the S.P of Police by the union. Hence, this Tribunal has no hesitation to hold that much gravity of misconduct cannot be attributed to the petitioner and in view of the above mitigating circumstances in favour of the petitioner, it cannot be said that he had means to communicate with his superiors. When he was incarcerated condition, he is supposed to have been passing through traumatic state of mind. No doubt not intimating the superiors about fatal incident is a lapse, but many other employees on the work spot during the shift were also remained silent due to threatening by Shaik Ahmed. As such, I may add that attendant conditions which are favourable to the workman should also be taken into consideration while evaluating the proportionality of punishment.

14(b). Therefore, in view of the above discussions as well as perusal of the record, it appears that the fatal injuries and death of Madar Sab, cable boy was caused due to hit by P-3 shovel bucket which was operated by Sk.Ahmed, operator. But, the petitioner who is working in the same shift near the work spot failed to inform the occurrence of above fatal incident to his superiors. Here, even as per the enquiry proceedings clearly shows that several employees viz., Niranjan Rao, Parsha Ramulu, Raji Reddy, Ganapathi Reddy, Madhu, Sampath and 2 or 3 others also were present on the work spot and none of them informed the fatal incident to superiors, may be due to the threatening by Sk. Ahmed, operator. In such circumstances, the charge of failure to inform his superiors is proved, but, much gravity of misconduct cannot be attributed to the petitioner/workman, due to the above mitigating circumstances. However, this Tribunal has no hesitation to hold that the charge leveled against the petitioner is proved.

14(c). Apart from the above, the contention of the Petitioner/ Workman is that he was appointed in the year 1987, this is his very 1st dismissal from service, he hails from a very poor family and has got no other livelihood and facing untold financial problems. Further, he is out of employment since 1995 and has been moving before this Tribunal and the Hon'ble High Court for nearly 25 years, hence prayed to consider the case under section 11-A of I.D., Act. Here, the learned counsel for the petitioner relied upon the following citations:-

- 1) HON'BLE SUPREME COURT JUDGMENT REPORTED IN AIR 1988 SC 303 – Between: Scooter India Ltd, Labour Court, Lucknow & ors:

In this case, the Labour Court while holding that enquiry had conformed to statutory prescriptions and principles of natural justice, yet held that order of termination was not justified and ordered for reinstating employee with 75% back wages. Wide powers are vested in Labour Court or Tribunal. Labour Court can temper justice with mercy and give an opportunity to an erring workman to reform himself. Order of Labour Court granting relief of reinstatement with 75% back wages was upheld by Hon'ble Supreme Court.

- 2) HON'BLE HIGH COURT JUDGMENT IN W.A. No.1101/2008 and W.P.No.7671 of 2000, dt.07.04.2009 D.B. Judgment:

In this case, the Labour Court granted reinstatement with continuity of service and half-of back wages. The Hon'ble High Court held that since the petitioner remained unemployed from the date of removal, modified the award of Labour Court by granting full back wages.

- 3) Judgment of Hon'ble Supreme Court, dt.24-08-2009 in Civil Appeal No.5762 of 2009, Between: Coal India Ltd. & Anr Vs. Mukul Kumar Choudari and others.
- 4) Judgment of Hon'ble Supreme Court dt.14-05-2009 Between: Jagadish Singh Vs. Punjab Engineering College and others

"In the above Judgments of the Hon'ble Supreme Court at Sl.No.3 & 4 reveals that the Hon'ble Court held that the punishment should be in commensurate with the gravity of charges and not shockingly disproportionate."

15. Further, the learned counsel for the petitioner/workman has relied upon a decision of the Hon'ble High Court reported in 2012 (1) ALD 220 (DB), wherein their lordships observed that:

"The Industrial Disputes Act, 1947 is a social welfare legislation, which required to be interpreted keeping in view the goals set out in the Preamble and Directive principles of State Policy in Part-IV of the Constitution. Merely because workman approached to Labour Court with delay, relief cannot be denied. No indication in the Act that delay extinguishes right conferred on the workmen under Industrial Law. The Labour Court is conferred with very wide discretion under section 11-A. The Industrial Court conferred with very wide discretion under section 11-A of the Act for granting appropriate relief".

16. Therefore, in view of the above decisions and the facts and circumstances of the case, if we come to quantum of sentence it is settled law that the discretion of which can be exercised under section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the Court, or the existence of any mitigating circumstances which require the reduction of the sentence, or the past conduct of the workman which may persuade the Labour Court to reduce the punishment. Therefore, in the present case on hand, a perusal of record, it shows that this is the very 1st dismissal from service of the petitioner. It is also evident from the record that the respondents have imposed punishment of 10-days suspension to other 3-employees 1. Ch.Chandra Mouli, Overman; 2. G. Venkateshwarlu, Overman; and 3. B. Eshwar Reddy, Dozer Operator. Further, there was no show cause notice issued by the respondents proposing the punishment of dismissal from service, prior to the dismissal order. Apart from the above, the petitioner was acquitted from criminal case in C.C. No. 69/1994 by the J.M.F.C., Manthani (Mobile) vide Judgment dt.16.02.1995. Moreover, as discussed above much gravity cannot be attributed with regard to the charge leveled against the petitioner in view of the above circumstances. Further, the petitioner submitted that he hail from a very poor family and has got no other livelihood and facing untold financial problems, hence prayed to consider the case under section 11-A of I.D., Act. Hence, in view of the above circumstances of the case, this Tribunal is of the opinion that the punishment imposed by the respondents/ company against the Petitioner deserves to be modified since the disciplinary authority cannot be permitted to act arbitrarily and work like a Roman Knight and it cannot be allowed a fight between David and Goliath as in the present case on hand.

17. Therefore, in view of the above facts and circumstances and keeping in view of the principle "*temper justice with mercy*" and to meet the ends of justice, this Tribunal is of the opinion that the punishment of dismissal imposed on the petitioner vide the Proceedings, dt.07.05.1995 under Ex.M-9 deserves to be modified. However, the relief is to be molded by this Tribunal properly and this Tribunal is of the considered opinion that the petitioner is entitled to be reinstated into service with continuity of service and denial of entire back wages and all attendant benefits from the date of dismissal to till date would be sufficient punishment to him. But, the petitioner is not entitled to any back wages or any attendant benefits since he might have gainfully employed during pendency of this Industrial Dispute from the date of his dismissal. Hence, the punishment of dismissal imposed by the Respondents-Company is hereby modified. Accordingly, the Point No.2 & 3 are answered.

18. **IN THE RESULT**, the petition is partly allowed. The dismissal order, dt.07.05.1995 under Ex.M-9 passed by the Respondent No.2 is hereby modified appropriately. The respondents/company is directed to reinstate the petitioner into service with continuity of service only, but without any attendant benefits and without any back wages from the date of his dismissal to till date. The petitioner is entitled to the salary only from the date of publication this Award. Copy of the Award be sent to the appropriate Government for publication. Both parties shall bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court, on this the 19th day of December, 2023.

Dr. T. SRINIWASA RAO, Chairman-cum-Presiding Officer

APPENDIX OF EVIDENCE WITNESSES EXAMINED

FOR WORKMAN:-

FOR MANAGEMENT:-

-Nil-

-Nil-

EXHIBITS

FOR WORKMAN:-

Ex.W-1	Dt.	09.01.1994	Enquiry notice Xerox copy.
Ex.W-2	Dt.	17.07.1995	Memorandum issued by B. Nagaiah General Secretary.
Ex.W-3	Dt.	13.05.1995	Report of Md. Dastagiri, E.P. Operator of Xerox copy.
Ex.W-4	Dt.	16.02.1995	Copy of Judgment in C.C.No.69 of 1994
Ex.W-5	Dt.	09.05.1997	Lr. addressed to the chairman & Managing Director, SCCL, Kothagudem
Ex.W-6	Dt.	04.06.1996	Lr. addressed to the chairman & Managing Director, SCCL, Hyderabad and Nija Nirdharana Committee enquiry report Xerox copy.
Ex.W-7	Dt.	24.03.1995	Lr. addressed to the chairman & Managing Director, SCCL, Hyderabad by Sri M. Damodar Reddy, Minister for Mines & Geology Xerox copy.
Ex.W-8	Dt.	10.01.1996	Lr. addressed to the Addl. Director of General CBCID, Hyderabad by M. Mallesh, MLA, Godavarikhani.
Ex.W-9	Dt.	13.05.1995	Statement of Sk. Ahmed, E.P. Operator
Ex.W-10	Dt.	13.05.1995	Lr. addressed to Sri Bala Gopal, General Secretary, APCLC by P. Mallaiah and (03) others
Ex.W-11	Dt.	17.01.1994	Lr. addressed to the Commissioner, Nija Nirdharana Committee, Godavarikhani by P. Mallaiah, E.P. Operator, OCP-II.
Ex.W-12	Dt.	01.02.1995	Letters of P.Mallesh and B.Nagaiah.
Ex.W-13	Dt.	--	Pay sheet of November, 1993
Ex.W-14	Dt.	--	Pay sheet of January, 1994
Ex.W-15	Dt.	--	Pay sheet of March, 1994
Ex.W-16	Dt.	--	Original Pay sheet for the month of May, 1994
Ex.W-17	Dt.	--	Original Pay sheet for the month of July, 1994
Ex.W-18	Dt.	--	Original Pay sheet for the month of August, 1994
Ex.W-19	Dt.	--	Original Pay sheet for the month of September, 1994
Ex.W-20	Dt.	--	Original Pay sheet for the month of October, 1994
Ex.W-21	Dt.	--	Original Pay sheet for the month of November, 1994
Ex.W-22	Dt.	--	Original Pay sheet for the month of December, 1994
Ex.W-23	Dt.	--	Original Pay sheet for the month of January, 1995
Ex.W-24	Dt.	--	Original Pay sheet for the month of February, 1995
Ex.W-25	Dt.	--	Original Pay sheet for the month of March, 1995
Ex.W-26	Dt.	--	Original Pay sheet for the month of April, 1995
Ex.W-27	Dt.	16.02.1995	Copy of Judgment in C.C No.69/1994 of JMFC (Mobile), Manthani.

FOR MANAGEMENT:-

Ex.M-1	Dt.	07.02.1994	Charge sheet issued to the petitioner along with acknowledgement.
Ex.M-2	Dt.	20.02.1994	Explanation to the charge sheet submitted by the petitioner.
Ex.M-3	Dt.	20.02.1994	Enquiry notice issued to petitioner with acknowledgement.
Ex.M-4	Dt.	27.02.1994	Letter of petitioner requesting the postponement of enquiry.
Ex.M-5	Dt.	27.02.1994 to 15.03.1994	Enquiry proceedings.
Ex.M-6	Dt.	03.07.1994	Enquiry report along with the statement.
Ex.M-7	Dt.	18.07.1994	Second show cause notice issued to petitioner.
Ex.M-8	Dt.	12.08.1994	Representation of petitioner to show cause notice.
Ex.M-9	Dt.	07.05.1995	Dismissal letter issued to petitioner.

नई दिल्ली, 24 जनवरी, 2024

का.आ. 146.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य महाप्रबंधक, दूरसंचार, भारत संचार निगम लिमिटेड, पंजाब सर्कल, सेक्टर 34, चंडीगढ़; उप मंडल अभियंता, भारत संचार निगम लिमिटेड, शिमला, एच.पी.; उप मंडल अभियंता, भारत संचार निगम लिमिटेड, भगत सिंह नगर, टेलीफोन एक्सचेंज, लुधियाना, के प्रबंधन के संबंध में नियोजकों और श्री गोपाल शर्मा, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ पंचाट (संदर्भ संख्या 23/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 24/01/2024 को प्राप्त हुआ था।

[सं. एल-42025-07-2024-22-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 24th January, 2024

S.O. 146.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/2015) of the Central Government Industrial Tribunal cum Labour Court –1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation The Chief General Manager, Telecom, Bharat Sanchar Nigam Limited, Punjab Circle, Sector 34, Chandigarh; The Sub Divisional Engineer, Bharat Sanchar Nigam Limited, Shimla, H.P.; The Sub Divisional Engineer, Bharat Sanchar Nigam Limited, Bhagat Singh Nagar, Telephone Exchange, Ludhiana, and Shri Gopal Sharma, Worker, which was received along with soft copy of the award by the Central Government on 12/01/2024.

[No. L- 42025-07-2024-22- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.23/2015

Registered On:-15.12.2015

Gopal Sharma S/o Sh. Jattu Ram, resident of Q. No.2, Sanchar Colony, Ludhiana, Presently H.No. 1110-A, Sector 46-B, Chandigarh.

.....Workman

Versus

1. Bharat Sanchar Nigam Limited, Through its Chief General Manager, Telecom, Punjab Circle, Sector 34, Chandigarh.
2. Bharat Sanchar Nigam Limited, Through its Sub Divisional Engineer, Shimla, H.P.
3. Bharat Sanchar Nigam Limited, Through its Sub Divisional Engineer, Bhagat Singh Nagar, Telephone Exchange, Ludhiana.

.....Respondents

AWARD

Passed On:-05.01.2024

1. The workman Gopal Sharma has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with an interest @ of 18% per annum from the date it has been deducted till the date of final payment.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing reply by the management to the application filed by the workman for production of record. It is submitted by the Ld. Counsel for

Management that the workman is not turning up from several dates and prayed for dismissal of the case for the non-prosecution of workman.

3. On perusal of file it is found that the submission made by the Ld. Counsel for workman are true. The workman is not interested and is not appearing from several dates, as the workman is not interested in adjudication of the matter on merits. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 147.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और किरन देवी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (93/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-37]

सलोनी, उप निदेशक

New Delhi, the 29th January, 2024

S.O. 147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 93/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Kiran Devi .Worker.

[No. L-12025/01/2024- IR(B-I)-37]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.93/2016

Registered On:-11/11/2016

Kiran Devi W/o Sh. Pritam Singh R/o Vill. Jahlan Ranbirpura Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Kiran Devi has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 148.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और हरदीप कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (95/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-39]

सलोनी, उप निदेशक

New Delhi, the 29th January, 2024

S.O. 148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 95/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Hardeep Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-39]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 95/2016

Registered On:-11/11/2016

Hardeep Kaur W/o Bhola R/o H.No.3009/5, Stadium Road, New Officer Colony, Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

3.The Admn. Commander, Station Head Quarter, Military Area, Patiala.

4.Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Hardeep Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और कुलविंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (91/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-35]

सलोनी, उप निदेशक

New Delhi, the 29th January, 2024

S.O. 149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 91/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Kulwinder Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-35]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 91/2016

Registered On:-11/11/2016

Kulwinder Kaur W/o Sh. Dilbagh Singh R/o H.No.95-F, Ranjit Nagar Seona Road, Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Kulwinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सुखविंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (92/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-36]

सलोनी, उप निदेशक

New Delhi, the 29th January, 2024

S.O. 150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 92/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sukhwinder Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-36]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 92/2016

Registered On:-11/11/2016

Sukhwinder Kaur W/o Gurnaib Singh R/o Vill. Panjola Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Sukhwinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 151.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और रेखा रानी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (94/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-38]

सलोनी, उप निदेशक

New Delhi, the 29th January, 2024

S.O. 151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 94/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Rekha Rani .Worker.

[No. L-12025/01/2024- IR(B-I)-38]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 94/2016

Registered On:-11/11/2016

Rekha Rani D/o Darshan Singh R/o H.No.244. St. No.2 Dhiru Di Basti Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Rekha Rani has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सुखविंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (96/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-40]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 96/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sukhwinder Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-40]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 96/2016

Registered On:-11/11/2016

Sukhwinder Kaur W/o Jagga Ram R/o V.P.O. Passiana Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Sukhwinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 153.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और कुशलया देवी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (97/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-41]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 97/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Kushalaya Devi.Worker.

[No. L-12025/01/2024- IR(B-I)-41]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.97/2016

Registered On:-11/11/2016

Kushalaya Devi W/o Parkash Singh R/o Vill. Fatehpur P.O. Wazidpur Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Kushalaya Devi has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और कुलदीप कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (98/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-42]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.98/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Kuldeep Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-42]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 98/2016

Registered On:-11/11/2016

Kuldeep Kaur W/o Chhota Singh R/o Vill. Kheri Jattan Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Kuldeep Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सुनीता देवी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (99/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-43]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 99/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sunita Devi.Worker.

[No. L-12025/01/2024- IR(B-I)-43]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 99/2016

Registered On:-11/11/2016

Sunita Devi W/o Sh. Darshan Singh R/o Vill. Rajgarh Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Sunita Devi has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और भोला सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (100/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-44]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 100/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Bhola Singh.Worker.

[No. L-12025/01/2024- IR(B-I)-44]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 100/2016

Registered On:-11/11/2016

Bhola Singh S/o Sh. Jora Singh R/o H.No.3009/5 New Officer Colony, Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Sh. Bhola Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबंधित नियोजकों और परमजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (101/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-45]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 101/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Paramjit Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-45]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 101/2016

Registered On:-11/11/2016

Paramjit Kaur W/o Sh. Mahila Singh R/o Vill. Fatehmajeri Kutbanpur Tehsil Samana Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Paramjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और हरजिंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (102/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-46]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 102/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the **industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Harjinder Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-46]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 102/2016

Registered On:-11/11/2016

Harjinder Kaur W/o Satguru R/o V.P.O. Passiana Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Harjinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और जसविंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (103/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-47]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 103/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Jaswinder Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-47]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 103/2016

Registered On:-11/11/2016

Jaswinder Kaur W/o Dev Singh R/o Vill. Fatehmajiri Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Jaswinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और रेणु, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (104/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-48]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.104/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Renu.Worker.

[No. L-12025/01/2024- IR(B-I)-48]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 104/2016

Registered On:-11/11/2016

Renu W/o Nathu Parsad R/o H.No.8, St. No.4, Guru Nanak Nagar Tripari Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Renu has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सोनू, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (105/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-49]

सलोनी, उप निदेशक

New Delhi, the 30th January, 2024

S.O. 161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 105/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sonu.Worker.

[No. L-12025/01/2024- IR(B-I)-49]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 105/2016

Registered On:-11/11/2016

Sonu S/o Sh. Kala Ram R/o H.No.8, Block-2, Sanjay Colony, Patiala C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Sh. Sonu has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer